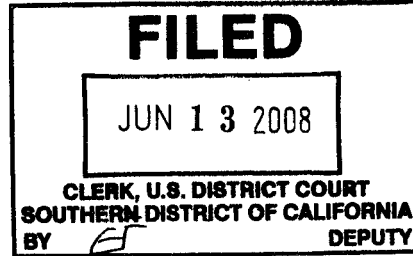


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Cristian LUNA,)
)
Defendant.)

Mag. Case No.

'08 MJ 8530

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about November 27, 2006, within the Southern District of California, defendant Cristian LUNA, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Deportation Officer

Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF JUNE 2008.

ANTHONY J. BATTAGLIA
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Cristian LUNA

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the
6 statements of the apprehending Immigration Enforcement Agent Gary
7 Buchanan.

8 On November 27, 2006, the defendant, identified as Cristian
9 LUNA, was arrested in San Diego, California, by the San Diego
10 Sheriff's Office, for trespassing in violation of PC-602(K)(1).
11 Immigration Enforcement Agent Kevin Welch subsequently
12 encountered the defendant in custody at the San Diego County Jail
13 and placed an immigration detainer on Form I-247.

14 On June 12, 2008, at approximately 10:30 a.m., the defendant
15 was referred to the custody of United States Immigration and
16 Customs Enforcement in Imperial, California. LUNA was arrested
17 and taken to the Imperial Valley Immigration and Customs
18 Enforcement office for processing.

19 Record checks of LUNA revealed that he was previously
20 ordered deported to Mexico by an Immigration Judge on January 17,
21 2006. On January 17, 2006, LUNA was removed to Mexico via the
22 San Ysidro, California Port of Entry. Further record checks
23 revealed that LUNA has a criminal record.

24 There is no evidence that LUNA ever sought or received
25 permission from the Attorney General of the United States or his
26 designated successor, the Secretary of the Department of Homeland
27 Security, for permission to re-enter the United States.

28 Based upon the foregoing information, there is probable
cause to believe that Cristian LUNA has illegally re-entered the
United States after Deportation, in violation of Title 8 of the
United States Code 1326, Deported Alien Found in the United
States.